

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	19 April 2011

ENFORCEMENT ITEM - 1-3 Rock Villa Road Whittle-le-Woods

PURPOSE OF REPORT

1. To consider whether it is expedient to serve an enforcement notice to secure the removal of a decking area and balustrade

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 in respect of the following breach of planning control: Erection of a decking area and balustrade.

Alleged Breach

- i. Without planning permission the erection of a decking area and balustrade.

- ii **Remedy for Breach**

Dismantle the decking area and balustrade and remove the materials from the land

- ii(a). **Period for Compliance**

Three Months.

- ii(b). **Reasons**

The development is contrary to the Council's approved House Extension Design Guidelines and Policy HS9 of the Adopted Chorley Borough Local Plan Review by reason of its relationship to neighbouring property and has a detrimental effect on the amenities which the occupiers of neighbouring property could reasonably expect to enjoy, due to the overlooking caused from the use of the decking area. Further more the development is contrary to Policy GN5 of the local plan by reason of its design and external appearance and is poorly related visually to the existing building and detrimental to the street scene.

EXECUTIVE SUMMARY OF REPORT

3. The property lies in an area of built settlement. Within such settlement areas Policy GN1 states there is a presumption in favour of appropriate development, subject to normal planning considerations and policies and proposals of the Adopted Chorley Borough Local Plan. Policy GN5 of the Local Plan states that the design of proposed developments will be expected to be well related to their surroundings.
4. The issue for consideration in this case is whether the operational development that has been carried out would be contrary to Policy HS9 and Policy GN5 of the Chorley Borough Local Plan Review Adopted Edition in that the external appearance of the building is acceptable in this primarily residential area.

REASONS FOR RECOMMENDATION(S)

5. The property is significantly elevated in relation to the properties at 18 and 20 Cow Well Lane, which are dormer bungalows to the north. It is also higher than the properties on Rock Villa Road to the west. The decking area therefore allows uninterrupted views into the rear gardens of several properties, most notably 18 Cow Well Lane and 4, 5 and 6 Rock Villa Road. The properties, particularly on Rock Villa Road only have small rear yards and these are areas that the occupiers of these properties would reasonably expect to be private. For this reason the development as built is considered unacceptable in terms of impact on neighbour amenity in accordance with Policy HS9.
6. In relation to design and appearance the balustrade and decking is prominent in the streetscene, particularly when viewed from the north on Chorley Old Road and when the end gable of the property is viewed directly onwards from Chorley Old Road. The property is built of coursed stone and the wall running along Chorley Old Road from the flat roof extension (the rear boundary of no's 18 and 20 Cow Well Lane) is also stone (random rubble). It is not considered that this is acceptable in terms of design and appearance. The materials do not reflect the age or character of the building and the combination of balustrade and decking is seen as an ad-hoc addition, rather than a comprehensive design. The design and appearance of the proposal is therefore considered unacceptable in accordance with Policy GN5.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. N/A

CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	X
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

9. The property is the Londis Store on Chorley Old Road, Whittle-le-Woods. It has a flat roofed extension to the rear. Internally, a small part of the ground floor of the premises is used for living accommodation as is all of the first floor. Several years ago a door was added at first floor level with access to the flat roof.

The owner has placed decking on the flat roof and surrounded it by balustrade. This was subject of a planning application last year which was refused however the decision was not appealed and the decking and balustrade remains in place.

IMPLICATIONS OF REPORT

10. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	X

Lesley-Ann Fenton
Director of Partnerships, Planning & Policy

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	1 April 2011	N/A

Background Papers			
Document	Date	File	Place of Inspection
Planning application	26/05/10	10/00268/FUL	Civic Offices, Union Street, Chorley